

Electronically Filed May 8, 2023

BRETT A. AXELROD, ESQ.

Nevada Bar No. 5859

NICHOLAS A. KOFFROTH, ESQ.

Nevada Bar No. 16264

ZACHARY T. WILLIAMS, ESQ.

Nevada Bar No. 16023

**FOX ROTHSCHILD LLP**

1980 Festival Plaza Drive, Suite 700

Las Vegas, Nevada 89135

Telephone: (702) 262-6899

Facsimile: (702) 597-5503

Email: baxelrod@foxrothschild.com

nkoffroth@foxrothschild.com

zwilliams@foxrothschild.com

*Counsel for Debtor*

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re

CASH CLOUD, INC.,  
dba COIN CLOUD,

Debtor.

Case No. BK-23-10423-mkn

Chapter 11

**DECLARATION OF  
CHRISTOPHER ANDREW MCALARY  
IN SUPPORT OF DEBTOR'S MOTION  
FOR ORDER EXTENDING DEADLINE  
TO ASSUME, ASSUME AND ASSIGN,  
OR REJECT UNEXPIRED  
NONRESIDENTIAL REAL PROPERTY  
LEASES PURSUANT TO  
11 U.S.C. § 365(D)(4)**

Hearing Date: OST Pending

Hearing Time: OST Pending.

1 I, Christopher Andrew McAlary, declare as follows:

2 1. I am the Chief Executive Officer of Cash Cloud, Inc. dba Coin Cloud (the “Debtor”  
3 or “Cash Cloud”), debtor and debtor in possession in the above captioned chapter 11 case (the  
4 “Chapter 11 Case”).

5 2. Except as otherwise indicated herein, this Declaration is based upon my personal  
6 knowledge. I am over the age of 18 and am mentally competent. If called upon to testify, I would  
7 testify competently to the facts set forth in this Declaration.

8 3. I make this Declaration in support of Debtor’s *Motion for Order Extending Deadline*  
9 *to Assume, Assume and Assign, or Reject Unexpired Nonresidential Real Property Leases Pursuant*  
10 *to 11. U.S. C. § 365(d)(4)* (the “Motion”).<sup>1</sup>

11 4. Debtor’s business involves providing a platform for customers to buy and sell digital  
12 currencies through Digital Currency Machines (“DCMs”) distributed across the United States.  
13 DCMs are an advanced version of the kiosks commonly referred to as Bitcoin ATMs or BTMs, that  
14 enable a consumer to both buy and sell bitcoin (as well as 30+ other digital currencies) for cash.

15 5. As of December 31, 2022, Debtor operated approximately 4800 DCMs throughout  
16 the United States and Brazil, installed in some of the largest convenience, grocery and liquor store  
17 chains and prestigious malls.

18 6. Debtor has entered into agreements (“Host Agreements”) with various retail  
19 locations, including convenience stores, malls, and enterprise grocery stores (“Hosts”), whereby  
20 Debtor installs a DCM at the Host’s location. Debtor agrees to pay the Host either a fixed monthly  
21 rental payment and internet charges or a variable portion of the profit of the machine (as defined in  
22 the agreements) for the ability to utilize the Host’s storefront location to facilitate the buying and  
23 selling of digital currencies. The Host Agreements typically have a 3 to a 7-year term, with  
24 automatic renewals, unless terminated by either party.

25 7. Since the Petition Date, Debtor has worked diligently to determine which of the Host  
26 locations are not profitable and to reject the Host Agreements associated therewith.

27  
28 <sup>1</sup> Capitalized terms not defined herein shall have the meanings ascribed to them in the Motion.

/s/Christopher Andrew McAlary  
Christopher Andrew McAlary